

No. 11(112)-78-3Lab-78/4658--In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Shankara Machine Tools Pvt. Ltd., Bahadurgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 54 of 1978.

Between

THE WORKMEN AND THE MANAGEMENT OF M/S CHANKARA MACHINE TOOLS PRIVATE LIMITED, BAHADURGARH

Present :—

Shri Om Parkash, for the workmen.

Shri M. M. Kaushal, for the management.

AWARD

By order No. ID/RK/561-77/8393, dated 21st February, 1978 the Governor of Haryana, referred the following dispute between the management of M/s Shankara Machine Tools Private Limited, Bahadurgarh and its workmen to this Tribunal, for the adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the workmen are entitled to the grant of bonus for the year 1975-76 ? If so, with what details ?
- (2) Whether the Minimum wages of workers should be fixed at Rs. 210/- per month ? If so, with what details ?
- (3) Whether the workmen should be granted house rent allowance ? If so, with what details and from which date ?
- (4) Whether the workmen should be supplied with Cur ? If so, with what details and from which date ?
- (5) Whether the workmen should be supplied with uniforms ? If so, with what details ?
- (6) Whether the arrears of increments of Sarvshri Rohtas Singh and Om Parkash should be paid ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared but settled their disputes vide settlement arrived at between them. Both parties admitted the settlement. I have gone through the settlement. It is fair just, and reasonable. I, therefore, answer the reference and give my award as per the settlement.

The settlement shall form the award.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated :- 19-4-1978.

1. That, the workers agree after going through the Balance Sheet and Profit and loss Account for the years 1975-76 and 1976-77, that there losses in the factory and accordingly they are not entitled to bonus at the rate of 20 per cent per annum for the year 1975-76 as claimed in the demand notice dated 5th August, 1977. However, the management as gesture of goodwill and in order to maintain and boost morale agrees to pay bonus for the year 1975-76 at the rate of 10 per cent per annum. The management has stressed that some workers have already been given the bonus at the rate of 9 per cent per annum for the year 1975-76. It is agreed between the parties that those who have not been given bonus in the year 1975-76 will be given the first preference in making the payment while those who have been paid the bonus at the rate of 9 per cent per annum will be paid the remainder of 1 per cent bonus, subsequent to the aforeaid workers. This payment of bonus for the year 1975-76 at the rate of 10 per cent per annum will be disbursed among the workers within two months from the date of this agreement and those who have been paid bonus at the rate of 9 per cent will be paid the remainder within the same period. It is also agreed in principal that the workers have undertaken to raise the production to 10 per cent extra than what they are giving at present in their normal course of work and in lieu of their undertaking the management shall give to them an *ex-gratia* payment in the from of incentive at the rate of 2.50 per cent of their total annual wage bill despite the bonus of 8.50 per cent per annum for the year 1976-77. This *ex-gratia* incentive shall not be taken

as precedent in the future years. This incentive of 2.50 per cent and bonus of 8.50 per cent shall be disbursed to the workers within 4 months from the date of this agreement. The workers have stressed that in view of the above settlement their demand No. 1 to the demand notice dated 5th August, 1977 and Item No. 1 to the reference No. 54 of 1978 stands fully satisfied and meted and same be referred back in these terms.

2. That, it is settled between the parties that the minimum wages in question is to be dealt with as per the provisions of law. The workers have stressed that they are satisfied with the minimum wages as is prevalent in the factory but they asked for some additional increase in their wage. It is agreed in principle that the employees of the company be classified in two broad categories according to their nature of jobs. The first categories will be constituted of staff/supervisors, who shall be dealt with separately than the workers of the company and their wages, scales and service conditions shall be governed as per the below mentioned clause (A). While the other category shall be of the workers and they shall be further divided in category of (i) Production/Machine men and (ii) general labour. The wages, scales, and service conditions of this second category of workers shall be governed by the below mentioned clause (B).

(A) Supervisors/staff

Inspectors, Machine-shop-in-charge Foreman. Fitter Gd. 1st, Office-staff,
(excluding Peon and Chaukidar) increase at the rate of Rs 15

These category of employees shall be dealt with under separate separate Service Rules of the Company and the provision of Certified Standing Orders will not apply in their cases. They may be given some additional *ad hoc* increase in their wages than the aforesaid *ad hoc* increase as per the discretion of the management whose order in this regard shall be final.

(B) (i) Production/Machinemen

Grinder-man, Assistant Inspector, Fitters (Other than 1st Grade) Drill-men, Planner-men, Weldors, *Ad hoc* increase at the rate of Rs 10

(ii) General Labour

Helpers, Turner Gd. 3rd, Painter, Taper and Reamer-man Peon, Chaukidar etc. *Ad hoc* increase at the rate of Rs 7

The service of these category (B) of workers shall be governed as per the provisions of the Certified Standing Orders of the Company.

The above said *ad hoc* increase in wages shall not be taken as precedent for the future years. But, this has been done in view of the undertaking of the workers for raising the production up to 10 per cent extra than what they are producing presently in their normal course of work. This *Ad hoc* increase shall be effected from 1st January, 1978.

3. That, the workers have stressed that in view of the above increase in the wages they are satisfied that they are not entitled to any house rent allowance from the management as claimed in the demand notice dated 5th August, 1977 and issue No. 3rd in the reference No. 54 of 1978 shall stand settled being fully satisfied and non-admissible to the workers. In view of this the same shall be referred back.

4. That, the parties have agreed that the workers engaged directly on Grinding and casting works shall be given Gur Allowance at the rate of Rs 2 per mensem instead of providing of Gur to the extent of 250 grams per day which is excessive one. It will

settle the demand No. 4 of the demand notice, dated 5th August, 1977 and Item No. 4 of reference No. 54 of 1978 which shall stand referred back in the above said terms.

5. That, the workers are satisfied that in the present state of financial position the company is not in position to provide Uniform to each of its workmen as claimed in the demand notice, dated 5th August, 1977. Moreover, the workmen agree in principle that it is not the practice of the industries in this region to provide any Uniform to its workers. In view of this workers do not press this demand and the Item No. 5 of reference No. 54 of 1978 stands fully meted out in view of the above said terms.

6. That, Sh. Rotash Singh has already left the services of the Company therefore the workman did not stress the demand of Arrears of increment which shall stand withdrawn. It is however, agreed that Sh. Om Parkash Sharma is not entitled to any increment for the year 1975-76 to onwards but he will be paid the monthly salary of Rs. 193 per mensem w. e. f. 1-4-1978 and the *Ad hoc* increase in the wage shall be in addition to this monthly salary. In view of this the demand No. 6 of the demand notice, dated 5th August, 1977 and Item No. 6 of reference No. 54 of 1978 shall stand satisfied and fully meted out.

There shall remain no dispute between the parties and it is agreed that the parties shall abide by this settlement and work for maintaining of Harmonious relations. The workers have gone through the list of signatories to the demand notice, dated 5th August, 1977 and are satisfied that 20 per cent are not the workmen/employees of the Company. It is further agreed by the employees/workmen that they have not been called for in any meeting of the Union before giving the demand notice, dated 5th August, 1977 nor any resolution has been passed by the Union in this respect and the present representatives are their authorised representatives and are competent to sign this agreement on their behalf to whom the workmen are the members. In view of the above said settlement the workmen undertake not to report any strike, slow down, tool down, sabotage, and will not raise any demand or dispute involving financial repercussions or cause hamper to the production in any other manner.

The parties agreed that the demand notice, dated 5th August, 1977 and its subsequent reference No. 54 of 1978 shall stand fully meted out in term of this settlement and the same be deemed as withdrawn in term of aforesaid settlement. This settlement shall come into force from the date of this settlement and will remain in force for a period thereafter.

Representing Employer.

Witness : 1. (Sd.) . . . ,
2. (Sd.) . . . ,

Copy : 1. Presiding Officer Industrial Tribunal
to (Haryana) Faridabad.

2. Secretary, Labour Department,
Haryana, Chandigarh.

3. Labour Commissioner
(Haryana) Chandigarh.

4. Labour Officer, Sonapat.

5. Labour Inspector, Bahadurgarh.

Representatives of the workers/
Employees.

(Sd.) . . . ,	(Sd.) . . . ,
(Sd.) . . . ,	(Sd.) . . . ,
(Sd.) . . . ,	(Sd.) . . . ,
(Sd.) . . . ,	(Sd.) . . . ,
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(Sd.) . . . ,	(Sd.) . . . ,

No. 11(112)-78-3Lab-78/4659.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Malco Precisions, 16/4 Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 15 of 1977

between

SHRI SHIV CHANDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S MALCO
PRECISIONS, 16/4 MATHURA ROAD, FARIDABAD

Present :— Shri Shiv Chander Singh, concerned workman

Shri S. L. Gupta, for the management

AWARD

By order No. ID/FD/2032, dated 18th January, 1977 the Governor of Haryana, referred the following disputes between the management of M/s Malco Precisions, 16/4 Mathura Road, Faridabad and its workman Shri Shiv Chander Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Shiv Chander Singh, was justified and in order?
If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared but they settled their dispute. The representative for the management paid a sum of Rs 600 only to the workman in full and final settlement of all his claim and dues before this Tribunal in terms of the settlement. The workman received the sum before the Tribunal and gave up his dispute and stated that all his claim and dispute stand fully satisfied and he shall not claim reinstatement or re-employment and that no dispute remain thereafter. I, therefore, answer the reference and give my award that the workman had received a sum of Rs 600 only from the management and has given up his dispute and he had received all his dues in full and final settlement.

(2. That in the above circumstances, the termination of services of Shri Shiv Chander Singh, the workman concerned, was justified and in order. He is not entitled to any relief whatsoever.

Dated the 19th April, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 368, dated 20th April, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 20th April, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 11(112)-3Lab-78/4660.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workman and the management of M/s. Bansal Agriculture, 13/1 Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 71 of 1977

Between

SHRI BABU LAL WORKMAN AND THE MANAGEMENT OF M/s BANSAL
AGRICULTURE, 13/1 MATHURA ROAD, FARIDABAD.

Present :—

Shri H. S. Gill, for the workman.

Shri J. N. Bansal, for the management.

AWARD

By order No. ID/FD/193-77/22418, dated 8th June, 1977, the Governor, of Haryana, referred the following dispute between the management of M/s Bansal Agriculture, 13/1, Mathura Road, Faridabad and its workman Shri Babu Lal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Babu Lal was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issue was framed on 1st February, 1978.

Whether the termination of services of the workman concerned was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for the evidence of the management. The management examined their partner Shri J. N. Bansal as M. W. 1 who was cross examined.

At this stage a settlement took place between the parties, the management offered to pay a sum of Rs 60 only to the workman, provided he gave up his dispute to which the representative for the workman agreed and the case was fixed for payment to the workman. Then the management paid a sum of Rs. 60 only to the representative for the workman. Thereafter there was no dispute between the parties. I, therefore, give my award as follows :—

That the termination of services of Shri Babu Lal, was justified and in order. He is not entitled to any relief.

Dated the 19th April, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

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No. 367, dated 20th April, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 22nd May, 1978

No. 4783-11(112)-78-344.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Vikas Agro Engg (P) Ltd., Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 99 of 1977

between

SHRI JAI BHAGWAN, WORKMAN AND THE MANAGEMENT OF M/S VIKAS AGRO
ENGG. (P) LTD., BAHADURGARH

AWARD

By order No. ID/FK/29008, dated 5th August, 1977, the Governor of Haryana referred the following dispute between the management of M/s Vikas Agro Engg. (P) Ltd., Bahadurgarh and its workman Shri Jai Bhagwan, to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Jai Bhagwan was justified and in order ?
If not, to what relief is he entitled?”

The parties put in their appearance in this Court on 9th December, 1977 in response to the usual notices of reference sent to them. The management however absented themselves on 17th January, 1978 the next date of hearing despite being directed to be present on that date and file their written statement of the claim statement filed by the workman on 9th December, 1977 with the result that *ex parte* proceedings were taken up against them on the former date and the workman was directed to adduce his *ex parte* evidence.

The workman appearing as his own witness deposed that he joined the services of the management concerned as a Fitter on wages of Rs. 325 p. m. on 15th August, 1975 and that the later terminated his services on 2nd April, 1977 without assigning any reasons and without holding any enquiry against him and that he was drawing wages at the rate of Rs. 375 p. m. on the date of termination of his services.

I, see no reasons to disbelieve the statement of the workman concerned particularly when the proceeding against the management are *ex parte* and they have taken no care to defend the demand raised on them by the former leading to the reference.

I, thus relying on the statement of the workman and in view of the proceedings against the management being *ex parte* and their failure to defend the demand, hold that the termination of services of the former with effect from 2nd April, 1977 is unjustified and not in order and that he is entitled to reinstatement with continuity of service and full back wages. I accordingly answer the reference while returning the *ex parte* award in these terms.

Dated the 20th April, 1978.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1147, dated the 3rd May, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

G. V. GUPTA,
Secy.

LABOUR AND EMPLOYMENT DEPARTMENTS

The 18th May, 1978

No. 12(29)78/7Lab.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, the Governor of Haryana is pleased to appoint Shri Kartar Chand to be Inspector for whole of the State of Haryana for the purpose of the said Act and the three schemes framed thereunder viz, the Employees' Provident Fund Scheme, 1952, the Employees' Family Pension Scheme, 1971 and Employees Deposit Linked Insurance Scheme, 1976 in relation to establishments other than those belonging to or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry or in relation to an establishment having departments or branches in more than one State.

G. V. GUPTA, Secy.

INDUSTRIES DEPARTMENT

The 30th/31st May, 1978

No. 2/16/78-2IB(1).—In pursuance of the provision contained in the Articles of Association of Punjab Export Corporation Ltd., and the Government of India, Ministry of Home Affairs, notification No. F-17/82/88-SB, dated the 15th February, 1967, the Governor of Haryana is pleased to nominate Shri L. M. Jain, I.A.S., Joint Secretary to Government, Haryana Finance Department as a Director of the Punjab Export Corporation Ltd. vice Shri S. L. Dhani, I.A.S. since resigned.

Dated Chandigarh,
the 19th May, 1978.

V. K. SIBAL,
Commissioner and Secy.